

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA ex rel.  
ELEVATION 33, LLC,

Plaintiff-Relator,

v.

GUIDEHOUSE, INC. and NAN MCKAY AND  
ASSOCIATES, INC.,

Defendants.

Case No. 1:22-CV-00206 (DNH/TWD)

**FILED UNDER SEAL**

**JOINT STIPULATION OF PARTIAL DISMISSAL**

The United States of America timely received each payment required by each Defendant pursuant to its respective Settlement Agreement, which is docketed at ECF No. 21 Exhibit A (Guidehouse, Inc. Settlement Agreement) and Exhibit B (Nan McKay and Associates, Inc. Settlement Agreement). Accordingly, pursuant to those Settlement Agreements and this Court's June 14, 2024 order (ECF No. 22), the United States and Elevation 33, LLC, (Relator), hereby stipulate that all claims filed against all Defendants in this action shall be dismissed (i) with prejudice as to the United States' and the Relator's claims as to the Covered Conduct as defined in the respective Settlement Agreements, and (ii) without prejudice as to the United States and with prejudice as to the Relator as to all other allegations set forth in above-captioned matter, except with respect to Relator's claims against Defendants for reasonable expenses necessarily incurred and reasonable attorneys' fees and costs pursuant to 31 U.S.C. § 3730(d), which shall not be dismissed and shall remain pending.

Per Local Rule 41.3, counsel represent that no party hereto is an infant or incompetent.

Respectfully submitted,

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**PURSUANT TO STIPULATION, IT IS SO  
ORDERED:**

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Hon. David N. Hurd  
United States District Judge

June \_\_\_\_, 2024